CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

FEBRUARY 5, 2008

INVOCATION:
Pastor Carl Nielsen of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Zacarías led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Ortiz, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Community Development Lindsey, Director of Administrative Services Snodgrass, Assistant Fire Chief Moreno, Senior Assistant City Attorney/Utilities Counsel Stockton, and Chief Deputy City Clerk Perez.

RESOLUTION – COMMENDING HARRELL FLETCHER
Mayor Lavagnino read a resolution commending Harrell Fletcher for his outstanding service to the City of Santa Maria as a member of the Code Compliance Board since February 2000.

Resolution No. 2008-12 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2008-12 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA RECOGNIZING AND COMMENDING HARRELL FLETCHER FOR HIS OUTSTANDING SERVICE TO THE RESIDENTS OF THE CITY OF SANTA MARIA AS A MEMBER OF THE CODE COMPLIANCE BOARD.

Mayor Lavagnino presented the resolution to Mr. Fletcher and thanked him for his valuable service to the City and the community.

PROCLAMATION – SPAY AND NEUTER MONTH
Councilmember Orach read a proclamation declaring the month of February 2008 as "Spay and Neuter Month" in the City of Santa Maria urging the residents of Santa Maria to observe the month by having their own dogs and cats spayed or neutered or by sponsoring the spaying or neutering of another person's cat or dog. The proclamation was accepted by Kelly White O'Neill.

PUBLIC COMMENT
Ramona Ramirez spoke on a new group called the Minuteman Civil Defense Corporation and Section 287(g) of the Immigration and Nationality Act which allows the U.S. Department of Homeland Security to enter into agreements with state and local law enforcement agencies to perform immigration law enforcement functions. She asked the City to enter into a Memorandum of Agreement for Section 287(g) and encouraged the Mayor to endorse it.

Natalia Bautista spoke about people not riding their bicycles safely and being pulled over by police officers. She asked the City to include safe bike routes within the City so bicycle riders were safer. She talked about the need to use alternative transportation such as bicycle riding and riding the bus and asked the police department to not pull over bicyclists.

Joan Leon spoke on Item 3F, Budget and Financial Policies, and commended the City for adopting the Budget and Financial Policies. She referenced the section on Interfund Transfers and Loans and asked about the absence of criteria for transferring enterprise funds to other uses. She asked why the City's reserves were not in compliance with the City's reserve policy since the reserves were at 47 percent rather than the 25 percent listed in the policies. She indicated the item should have been a regular business item to allow public input.

Mayor Lavagnino commented that cities around Santa Maria were struggling with budget deficits, while Santa Maria could end the year with a $1.5 million surplus. This was the first time he had ever heard anyone complain that the City had too much money in the bank. He said he believed that was the Council's job - to present services to the people in adequate levels and save the taxpayers as much as possible.

City Manager Ness explained that the money that Mrs. Leon had expressed concern about being diverted from the Enterprise Fund, was not deposited into the Enterprise Fund and diverted. It went directly into the General Fund. The reason that the City had 47 percent in reserves, which was at least 25 percent, was because much of the money had been set aside for a very ambitious list of capital projects that had pretty high price tags and had been covered in the recent Goal Setting Workshop.

Sister Janet Corcoran spoke regarding the many families losing their homes due to foreclosure and said she hoped the City was doing something to help these families. She requested the City implement a greenwaste program to help the environment and divert waste from the landfill. She also asked that the City support the American Red Cross Center to be built near the Airport.

Nancy Stewart spoke about the Police and Fire Academy at Allan Hancock College and the discussion to move the Academy to Lompoc. She asked the Council to speak to the Allan Hancock Board of Directors and urge them to keep the campus in Santa Maria.

CONSENT CALENDAR
Councilmember Trujillo requested Consent Agenda items 3C and 3F be pulled for comment. Councilmember Zacarias also wished to speak on Item 3F.

Item 3C – Memorandums of Understanding
Councilmember Trujillo commented that public safety was the City's number one priority. The Police and Fire Departments and employees were the core of the community. He said it was gratifying that the employee groups and management were able to meet and address issues for the betterment of the whole community. The reason the City was able to do this for its employees was because staff was very prudent in the way it spent the City's money. He commended Assistant City Manager Haydon for his work in the negotiations.

Councilmember Orach also thanked Mr. Haydon and the negotiation teams for working together.

Mayor Lavagnino also commended Mr. Haydon and the negotiation teams for the quick resolution of the agreements.

Item 3F – Budget and Financial Policies
Councilmember Trujillo commended staff on the budget and financial policies and the things that the City has done to build reserves. The policies that have been followed in the past have been very sound. He talked about the capital projects proposed for the next two years and said he felt very comfortable in the way the policies were being set

and the way staff was handling the City's money. He said when comparing Santa Maria to other cities all over the state, Santa Maria was doing a good job managing its money.

Councilmember Zacarias stated she was the one who made the comment at the Goal Setting Workshop that some services were foregone in order to build the reserves. She said the City was looking at that and trying to make sure that services were not going to be impacted. She was happy to be able to support having equity for pay for folks who were working very, very hard and carrying a heavy load. She agreed this item should have been a regular business item rather than Consent so there was an opportunity to inform the public and have a conversation about the policies. She asked that any changes to the policies in the future be a regular business item. She was really pleased at where the City was financially, especially coming into a difficult budget time. She asked if there was somewhere in the policies that clarified the interfund transfers and loans or explained how the City did activities that generate revenues that go directly into the General Fund. She asked if it explained the flexibility to identify funds that would have otherwise been going into enterprise funds to be designed as General Fund revenues.

City Manager Ness explained that these policies were not new, staff was just committing to writing the practices which have been in place for some time at the recommendation of the City's auditor. As far as the interfund transfers and loans, there was a section on page 4 of the policies related to that. The one that seemed to cause the most concern or questions was the NHIS program. The City had $24 million set aside in reserves due to the NHIS program. Since the inception of the program, the City had been able to set aside within the General Fund some $15 million. Most of the NHIS money had gone toward the hiring of 25 additional public safety officers – 16 additional police officers and 9 additional firefighters. That money went directly into the General Fund as a revenue source. In addition, by using NHIS sand, the City has avoided spending $30 million to $50 million to import sand to create the slopes at the landfill for proper closure. NHIS was a very important funding source and had allowed the City to do things it would not otherwise have been able to do.

Councilmember Zacarías explained that her specific question was whether the City needed to have a policy in place that allowed and encouraged the City to seek other kinds of revenue. She said she understood that the practice of not depositing the funds into the Enterprise Fund and instead having it go directly into the General Fund required a legal opinion.

City Manager Ness explained that the practice was questioned by the Grand Jury. In response to that, the City contacted its legal advisors, Best, Best & Kreiger, and asked for a written opinion. They had already opined in the past that they agreed the City was following the proper procedure for the transaction.

Councilmember Zacarías asked if there should be a written policy in place to avoid having to get another written opinion in the future.

City Manager Ness explained that he did not think it was necessary to have a written policy for something that only occurred on a one-time basis. Polices and procedures should be in place for things that occurred on more than one occasion.

Director of Administrative Services Snodgrass indicated that because of the Grand Jury's questions, she had contacted the foremost authority, the Government Finance Officer's Association in Washington, D. C., and explained the situation regarding the NHIS Program. They concurred that the City was doing everything correctly. In order for an enterprise fund to record revenues, some product must be produced or sold to the community. Just using sand as a landfill cover was not actively producing a product or selling a product to the community. She said she felt very comfortable in following generally accepted accounting principles and didn't think it was necessary to explain generally accepting accounting principles in the document.

Councilmember Patino stated when the Council passed the budget last time, it was very important that services be maintained. The City Council had a responsibility to keep the

streets maintained, for the potholes, for the lights going on, for the library, to make sure that the sewer was running properly, and the water was running. All the services that people expect were being maintained.

Councilmember Orach indicated that people got confused about what services were paid for by fees and what came out of the General Fund. Everyone paid into the Enterprise Funds for sewer, water and trash. Police and fire services were paid for by sales tax and property tax and those kinds of things. If the City had revenues to augment the General Fund, it allowed capital projects to be done.

Mayor Lavagnino stated when faced with the possibility of a $30 million to $50 million bill to close the landfill and no idea where that money was going to come from, and then have the opportunity to bring in NHIS and have them pay the City, anybody would have made the decision the City Council did.

Consent Calendar Items A through G were approved on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Joint City Council/Block Grants Advisory Meeting of January 10, 2008, and the Regular City Council Meeting of January 15, 2008, were approved as submitted.

C. MEMORANDAS OF UNDERSTANDING
Resolution No. 2008-13 was adopted approving amendments to and an extension of the current Memorandum of Understanding (MOU) with the Santa Maria Police Officers Association (SMPOA).

Resolution No. 2008-13 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO AND AN EXTENSION OF THE MEMORANDUM OF UNDERSTANDING WITH THE SANTA MARIA POLICE OFFICERS' ASSOCIATION (SMPOA).

Resolution No. 2008-14 was adopted approving amendments to and an extension of the current Memorandum of Understanding (MOU) with the Santa Maria City Fire Fighters Union, Local 2020.

Resolution No. 2008-14 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO AND AN EXTENSION OF THE MEMORANDUM OF UNDERSTANDING WITH THE SANTA MARIA FIRE FIGHTERS' UNION, LOCAL 2020.

Resolution No. 2008-15 was adopted approving a wage and benefit package for the public safety managers.

Resolution No. 2008-15 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE PUBLIC SAFETY MANAGERS.

Resolution No. 2008-16 was adopted approving a wage and benefit package for the non-represented full-time management and confidential employees.

Resolution No. 2008-16 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A WAGE AND BENEFIT PACKAGE FOR THE NON-REPRESENTED FULL-TIME MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

D. WARRANTS

Warrant Nos. 139455 to 139872 in the amount of $3,791,230.98 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 131950, 133317, 134479, 139267, and 139499 were cancelled.

E. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. BUDGET AND FINANCIAL POLICIES

Resolution No. 2008-17 was adopted approving Budget and Financial Policies for the City of Santa Maria.

Resolution No. 2008-17 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING BUDGET AND FINANCIAL POLICIES.

G. CALL FOR BIDS

Council granted approval to call for bids on the plans and specifications for Library Sign Package, Bid No. 2008/04.

PRESENTATION ON MEASURE D RENEWAL

Director of Public Works/City Engineer Whitehead gave the staff report. Measure D is a one-half cent sales tax in Santa Barbara County which provided funding for transportation infrastructure maintenance and capital projects. Measure D had been in effect since 1989 and was set to expire in 2010. The measure's sales tax proceeds were split, providing 70 percent of the funds for local share transportation needs, and 30 percent of the funds for regional transportation projects. The City of Santa Maria now receives about $5 million per year of local share funding from Measure D. The City used the money for a wide variety of transportation projects, the majority of which were maintenance projects. Measure D paid for street maintenance, sidewalk repair, ADA curb ramp installations, curb and gutter repairs, streetlight installations, and other transportation improvements. The regional share of Measure D provided funding for reconstruction of US 101 freeway interchanges at Donovan Road, Main Street, Stowell Road, and Betteravia Road. Safety improvements on Highway 166 were also installed with Measure D dollars. Outside of Santa Maria, fourteen other major freeway interchange, highway improvements, and congestion reduction projects were completed using Measure D regional funds. As Measure D would expire in 2010, the Santa Barbara County Association of Governments was proposing a Ballot Measure for renewal of Measure D for the November 2008 ballot.

Director Whitehead introduced Gregg Hart from the Santa Barbara County Association of Governments (SBCAG) who provided information on the proposed ballot measure.

Gregg Hart explained what SBCAG learned from the last ballot measure that failed. One thing was that the measure was not just an extension of the existing tax, but involved a tax increase. Another criticism was that the 101 Freeway in South County had not been built. That was a project that had been promised in 1989. In order to address that, there has been tremendous progress on that project in the last year and a half and construction on part of that project would begin this summer. There would still be about an eight-mile portion of that project that remained unfunded. The very first project in the new Measure D Extension would be the 101 Widening for $140 million. The last item that was of concern to the voters in North County was the computer rail in South County. To address that, the SBCAG Board decided to split the dollars that

remained after the 101 Widening Project equally between the North County and the South County. On November 7th both the North County and South Coast Measure D Renewal Policy Development Committees reached consensus on their two separate subregional Measure D – 2008 Investment Plans. On November 15th, the SBCAG Board unanimously approved the combined subregional investment plans and directed staff to begin soliciting public and agency input on the draft plan and to hire a polling firm to test voter support of the plan. The polling of over 600 randomly selected voters was done in January and the results were very positive. When the results of the public input process were available, the subregional Measure D Policy Development Committees would be reconvened to discuss the public input received, poll results and to determine if changes to the draft plan were required to improve public support for the measure. If the subregional Policy Development Committees and subregional Planning Committees made any recommendations to amend the draft investment plan, the full SBCAG Board would consider those recommendations and the Measure D Renewal implementing ordinance this month and then release the plan for review and approval by the City Councils and Board of Supervisors. A majority of the City Councils representing a majority of the residents of the County and the County Board of Supervisors must approve the plan before it could be submitted to the voters. The Board of Supervisors must officially place the Measure D Renewal Investment Plan and Ordinance on the ballot by July 2008 in order to meet the deadline for the November 2008 general election.

Mr. Hart gave a brief overview of the Measure D Renewal Investment Plan as it currently stands. Under the 30-year renewal plan, the local share would be reduced. Although the sales tax proceeds would be split to provide 75 percent for local share and 25 percent for regional share, the annual proceeds to local governments would be less than under the current program because $140 million "off the top" would go for the US 101 widening in Santa Barbara. New regional transportation projects had been identified for Measure D 2008. The new list contained five major projects on US 101 in Santa Maria including the Union Valley Parkway Interchange, the Santa Maria Bridge widening to six lanes, the McCoy Lane Interchange, the Highway 135 Interchange, and the Betteravia Loop Ramps. Under the new list, approximately $455 million would go to North County subregional projects with an equal amount for South Coast subregional projects. He said they would be back in March or April to ask for the City Council's formal support of the ballot measure.

Councilmember Orach stated he had gotten comments from residents about the Highway 101 widening and the widening of the Santa Maria River Bridge. Since Santa Barbara County had Measure D, it was a self-help County. That allowed the County to leverage the Measure D funds to obtain additional State and Federal funding.

Councilmember Patino thanked Mr. Hart for the presentation and talked about how the interchange projects that have been done in Santa Maria have helped with congestion.

Mayor Lavagnino stated the old Measure D got a bum rap because people said SBCAG didn't do what the ballot measure said it was going to do. The only project that was not completed was the 101 widening project in Santa Barbara. He said bringing it back without increasing the tax was a good idea. Measure D was extremely important to the City of Santa Maria. If the City did not maintain its streets, it diminished the lifestyle of the community.

Council thanked Mr. Hart for the presentation and received and filed the information.

Sister Janet Corcoran stated the City participated in the development of this measure, and it provided a stable funding source. It provided critically needed interregional transportation needs. Many of the residents could not afford a car; or if they had a car, they couldn't afford the gas. Alternate transportation was a critical need for the community. She wanted the City to look at using environmentally sensitive products on the roads.

ANNUAL TECHNICAL AMENDMENTS

Senior Assistant City Attorney/Utilities Counsel Stockton gave the staff report. As part of an ongoing project beginning in 2000, the City Attorney's office had collected a list of Municipal Code provisions that work ineffectively for technical reasons. The list also includes laws that need to be updated, modified or deleted because of changes in State law or in City operations. The proposed ordinance would do the following: (1) amend Subsection (c) of Section 2-20.21 to clarify a provision of the personnel ordinance relating to sick leave; (2) amend Section 4-1.04 to clarify that no business license shall be issued in Santa Maria to authorize any conduct in violation of any law; (3) update Section 4-1.09 so that the City's business license exemption for veterans reflected requirements of State law; (4) amend Subsection (b) of Section 4-18.102 to correct a numerical reference; (5) modify and modernize Sections 5-3.101, 5-3.204, and 5-3.205, pertaining to regulation of dogs; (6) add Subsection (n) to Section 5-6.202, clarifying that a use of property in violation of any law was a property nuisance; (7) update Chapter 5-7, the City's Smoking Pollution Control Ordinance, to recognize sweeping regulation of smoking in enclosed places of employment by the State; (8) correct numerical references to properly place speed limits previously set by the Council into Subsection (b) of Section 7-4.04, Section 7-4.51, and Section 7-4.52; (9) upgrade violations of Section 7-5.04, the City's catering vehicle regulations, to misdemeanor status; (10) amend Section 7-10.11 to specifically prohibit riding a bicycle in a permanent skateboard park or one with temporary ramps; and (11) amend Subsection (b) of Section 8-3.08 to correct a numerical reference.

She talked about the changes regarding dangerous dogs. The proposed amendments would define dangerous dogs, including reference to a dog which has bitten or killed a domestic animal. It would add a legal procedure for notice and hearing when it was necessary to impound a dog. Finally, it would refine the existing vicious dog ordinance to remove the formal requirement for advance written notice to an owner when the dog behaved in a dangerous manner, and to provide for issuance of specific court orders when dogs behaved dangerously.

Staff prepared the update to the City's Smoking Pollution Control Ordinance with the helpful assistance of Dawn M. Dunn of the Santa Barbara County Public Health Department, Tobacco Prevention Settlement Program. Findings supporting the ordinance have been completely replaced with findings prepared by Technical Assistance Legal Center, a nonprofit organization dedicated to providing California communities with free, high-quality technical assistance on tobacco control policy issues. The evidence supporting these findings was contained in the Center's model secondhand smoke ordinance, incorporated by reference, and available for review in the City Attorney's Office. Estimates of the number of children who smoke in this area were supplied by Ms. Dunn. Little substantive regulation would remain in Santa Maria's ordinance if matters preempted by State smoking law were removed. Even so, staff recommended that the ordinance remain in the Code for two reasons. First, the Recreation and Parks Commission had requested review of a proposed ordinance to regulate smoking in City parks. If the Council wanted to consider such an ordinance, the remaining provisions would provide a framework in which to place it. The Council's direction was requested on whether to research and prepare the ordinance, and also how to address smoke-producing barbeques in those same parks. Secondly, the Council might wish to aggressively regulate smoking as a local matter in the future.

Councilmember Zacarías stated the idea of trying to regular smoke emitting from Santa Maria style barbeques and fundraisers was not something she could fathom at this time. She asked about the changes to the Municipal Code regarding catering trucks and what types of offenses would be elevated to a misdemeanor.

Attorney Stockton stated an infraction penalty started at $100 for the first violation, a second violation in a year could be $200, and a third violation could be up to $500. A misdemeanor's potential penalty would be six months in jail or $1,000 fine. Most of the violations involved the length of time a catering vehicle parked in one location and offered the catering goods to the people who wanted to buy them. The reason for the regulation was that catering vehicles were supposed to be movable types of operations

and not restaurants. They were not to stay for extended periods of time in one location rather than moving from place to place. What staff had been told was that these citations were considered the cost of doing business and the operators were ignoring the regulations.

Councilmember Zacarías asked what the length of time was that catering vehicles could park in one location.

Attorney Stockton explained that she did not recall what the exact time limit was; however, the last time a revision came to the City Council, it was negotiated and approved by the catering vehicle operators.

Councilmember Zacarías stated she knew the catering vehicle operators were also being faced with new County regulations, and she did not feel comfortable approving the change without more information. She said $1,000 fine or six months in jail for a first-time offense was very punitive. She could understand it for a second or third offense.

Attorney Stockton stated when the City went to court for people who were there for their first time, that was the potential upper limit; however, she had never seen the upper limit imposed by the court.

City Attorney Trujillo explained the misdemeanor was the last resort that his office would prosecute to get compliance. There were a number of warnings that could be given before actually getting to that point. This change resulted from the Police Department informing them that a number of vendors were viewing the infraction as the cost of doing business. The misdemeanor would get their attention. For the businesses that continued flagrant violations after they have been noticed, the misdemeanor allowed the City to put them on probation. If they violated again, they would have to go before a judge and explain why they violated the court's order.

Councilmember Zacarías stated she did not disagree with the City having that kind of latitude. The ordinance language said a violation would be punishable as a misdemeanor. It did not say anything less than that. She agreed with the process City Attorney Trujillo explained but felt the language did not support the practical application. She said she would rather see the language say "up to" or whatever the language would have to be to illustrate that there was a range.

City Attorney Trujillo explained that it would be problematic to have that in a penalty ordinance. The court needed to know what the penalty was. That was why it had to be an infraction or misdemeanor. The City had prosecutorial discretion which meant the City was able to exercise discretion on whether or not it would enforce to the full extent of the law. The misdemeanor was punishable by 6 months in jail or $1,000 fine. The courts were receptive to the City's recommendation of what a reasonable resolution should be. They had to look at each violation on a case-by-case basis.

Mayor Lavagnino stated the way the City Attorney explained the prosecution of the misdemeanor was easier for him to understand. There were a lot of people out there trying to make a living, and this could put them out of business. He agreed with the idea of policing the business, he didn't want to see the City go overboard.

Councilmember Patino stated she thought the catering trucks had been violating the law for a long time, and it was a waste of police time. Maybe it was a little harsh, but it would certainly get their attention. Most other businesses would be shut down for doing some of the things these people continued to do. They didn't need to have second and third chances. She said it bothered her when people ignored the City's ordinances. She relied on City Attorney Trujillo to use good judgment.

Councilmember Trujillo stated his concern was regarding smoking in the parks. There were a lot of small children in the parks that were susceptible to secondhand smoke. The Country was beginning to realize that secondhand smoke for children was a problem. Smokers liked to congregate around the areas where children were playing.

Maridah Mohammed, American Lung Association of California, commended the City for updating the smoking ordinance and asked the Council to consider a smoke-free ordinance for the parks. She said it would allow her to take her son, who had asthma, to the park and her two-year-old daughter and not worry about what she might pick up off the ground.

Todd Cralley thanked the Council for considering the smoking ordinance update. His son had asthma, and he saw how hard secondhand smoke was on his son. He asked the Council to consider designating more smoking locations where people could smoke away from public entrances and away from the public.

Joan Leon stated she went by the new Rotary Park, and there was a sign that said smoking was prohibited within 20 feet from the children's play area. However, there was a large barbeque very close. Sunrise Park also had several smaller barbeques near the play area. She also said fireworks produced a lot of smoke. If the City was looking at the health effects of smoke, the City should take a comprehensive look at all of the sources of smoke that impact the public's health.

Sister Janet Corcoran stated the Recreation and Parks Commission had already talked about an ordinance to prohibit tobacco use in the City's parks. Secondhand smoke was a health issue. Asthma and allergies were on the rise. For children in a park area to be exposed to secondhand smoke caused asthma and under types of problems because their lungs were still developing. The parks had a lot of cigarette butts that animals ingest and children picked up and ingest. The Council needed to begin looking at tobacco usage in the City.

Recreation and Parks Director Posada stated what staff had done was provide the City Attorney's office with copies of ordinances they had gotten from other cities and ask them to prepare an ordinance. Attorney Stockton's goal was to do some cleanup on the current ordinance and get direction for the Council on how to proceed with smoking in City parks.

Ordinance No. 2008-01 making technical amendments to the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption and staff was directed to take a serious look at a no smoking ordinance in City parks on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-01 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE RELATING TO PERSONNEL, BUSINESS LICENSE IN GENERAL, BUSINESS LICENSE EXEMPTION FOR VETERANS, MASSAGE, DOG CONTROL, PROPERTY NUISANCE, SMOKING POLLUTION CONTROL, SPEED LIMITS, CATERING VEHICLES, BICYCLES IN SKATEBOARD PARKS, AND LANDMARKS.

QUARTERLY FINANCIAL REPORT

Director of Administrative Services Snodgrass gave the staff report. With 50 percent of the year complete, revenues were at 36.9 percent of projections while expenditures were at 46.7 percent of appropriations. Total revenue and transfers were $19.6 million which was less than budgeted but $1.5 million more than last year. Departmental expenditures were $25.9 million, approximately $2.1 million or 9.1 percent higher than the prior year. The top five revenue sources accounted for about 64.7 percent of total General Fund revenues. Sales tax receipts were approximately $144,600 more than the prior year. Vehicle License Fee receipts were approximately $34,500 less than last

year and were 2.8 percent of the budget. Property tax receipts were 65 percent of budget and $325,200 higher than last year. Operating costs were 3.3 percent less than expected at the end of the second quarter. In the Water/Wastewater Fund, expenditures exceeded revenues by $10.8 million primarily due to State Water payments paid in full at the beginning of the fiscal year. A budget amendment report was included which recommended certain personnel and operational changes.

Councilmember Zacarías commended Director Snodgrass for the easy-to-read reports. She asked about the Enterprise Fund Revenues for public transit. It said there was other revenue of $5.9 million and asked what that revenue was from.

Director Snodgrass explained that the other revenues were from operational and capital grants that the City received through Federal and State programs.

Councilmember Patino stated last week she was at a meeting in Sacramento at a California State Association of Counties (CSAC) meeting where people were bragging about their reserves. Her friend told them Santa Maria had a $33 million reserve and everyone looked at her funny. It was practically unheard of. She thanked the City Council and staff for being fiscally conservative.

Resolution No. 2008-18 approving budget amendments was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-18 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2007-08 AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SAME.

PROPOSAL TO INCREASE COUNCIL SALARIES

City Manager Ness gave the staff report. Staff was proposing the City adopt an ordinance amending Chapter 2-2 of Title 2 of the Santa Maria Municipal Code to increase City Council salaries. Council salaries had been increased only three times in more than two decades. The last increase occurred three years ago in 2005 when salaries were increased to $920 per month. A comparison of salary levels for nearby cities was conducted. Santa Maria was the most populous City, yet Councilmember salaries were the third lowest of our agencies. Santa Barbara's salaries were more than 340 percent higher than Santa Maria's. San Luis Obispo, a city less than half the population of Santa Maria's, was 8.8 percent higher. It had been three calendar years since the Council's salary were last increased. Based on the Government Code, the Council would be eligible for an increase of $138 per month. Staff was proposing the salaries be increased by $130 per month with the Mayor continuing to receive $250 per month more than Councilmembers.

Councilmember Zacarías stated it almost felt embarrassing to approve this increase. However, this Council didn't do this for the money. There were expenses associated with having the position. She appreciated the opportunity to have a little more in resources to help with those expenses. She thanked the voters for supporting them.

Councilmember Orach commented that he was first elected to the Council in 1986, and at the very first Council meeting he voted for an increase in the Council's salary of $50 per month. The cost of holding the job was much more than the remuneration the Council received.

Councilmember Trujillo stated this was a moderate stipend that the Council got. The public was aware that Councilmembers spent a lot of money in the community. The

money was not the driving force, but the Council appreciated getting something they could give back to the public.

Councilmember Patino stated it seemed self-serving, but every Councilmember put out more money than they got. It took a lot of money to serve on the Council. No one running for office should feel they could not afford to be on the City Council.

Mayor Lavagnino stated it was a great privilege to sit on the City Council and serve the community. He did not want someone to say they could not run for City Council because they could not afford it. He believed they had to keep pace with the costs so anyone could run for office.

Ordinance No. 2008-02 increasing City Council's salaries by $130 month was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2008-02 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2-2 OF THE SANTA MARIA MUNICIPAL CODE.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the February 19, 2008, City Council meeting including presentation of the quarterly GEM award, the Chamber of Commerce semi-annual report, a public hearing for the Enos Ranchos Specific Plan & EIR, and a report on Proposition 1B local streets and roads funding proposal.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Trujillo reported that he and Councilmember Orach had attended the Martin Luther King Birthday Celebration on January 20th. Also, he and most of the Council attended the Fire Protection Appreciation Dinner at the Elks. He also talked about the number of senior citizens who wanted to work. He said he hoped if there were any employers who were willing to hire senior citizens, they would give the seniors the opportunity to work.

Councilmember Patino indicated the Firefighters Award Dinner was very nice. Last week she attended a meeting in Sacramento for the California Association of Counties.

Councilmember Zacarías stated she was a judge at the Menudo Festival. Garibaldi's Restaurant won this year. The United Way had begun the Volunteer Income Tax program to assist low-income families with their taxes. Also, she had the opportunity to co-present with the Mayor to the Leadership Santa Maria Valley group.

Councilmember Orach reported on the Martin Luther King Birthday Celebration on January 20th. He represented the Council at the Spiritual Assembly of the Baha'is Public Recognition Ceremony on January 19th. He attended the Santa Maria Airport Association meeting on January 17th. This was a new organization to support the airport management and the directors on future projects at the airport. He also attended the Chamber of Commerce Hispanic Business Luncheon at which Congresswoman Lois Capps spoke. Both he and Councilmember Trujillo thanked her for all the support and the money for the Levee, the new Library and the Transit Center.

Mayor Lavagnino stated Congresswoman Capps really did a great job. He announced that he and Utilities Director Sweet would be going back to Washington, D. C. to ask for more funds.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 8:50 p.m.

APPROVED

February 19, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria